

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:14CR-95
)
Plaintiff,)
)
vs.) **MOTION TO CONTINUE TRIAL**
)
JOHN W. WAGSTAFFE,)
)
Defendant.)

COMES NOW the Defendant, John W. Wagstaffe, by and through undersigned counsel, and hereby requests that trial in this matter set for August 31, 2015 be continued for the following reasons:

1. Trial for the criminal allegations and forfeiture action is scheduled for August 31, 2015 and is expected to last one week.
2. Plea negotiations are on-going.
3. A continuance in this matter might result in a resolution of this case without the need for trial.
4. Counsel is requesting a 45 to 60 day continuance of the trial date.
5. Assistant United States Attorney Donald J. Kleine has no objection to Defendant's request for a continuance.
6. A continuance of the trial date is reasonable and necessary for effective representation based on due diligence of counsel and to avoid a miscarriage of justice.
7. An Affidavit from the Defendant in support of this Motion will be filed forthwith.

WHEREFORE, the Defendant prays the Court grant a 45 to 60 day continuance of the trial date and for such other and further relief as the Court deems just and equitable.

JOHN W. WAGSTAFFE, Defendant,

By: s/Jason E. Troia
JASON E. TROIA, #21793
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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2015, I electronically filed the foregoing document with the Clerk of the District Court using the CM/ECF system which sent notification of such filing to the following:

Donald J. Kleine, Assistant United States Attorney

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

N/A

s/Jason E. Troia
JASON E. TROIA, #21793
Attorney for Defendant